IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL

WRIT PETITION No. 1091 (SS) OF 2005

Brahma Prakash Sagar, S/o late Ram Prasad Sagar, presently posted as Revenue Accountant, Tehsil Sitarganj, District-Udham Singh Nagar. .....Petitioner.

Versus

1. State of Uttaranchal, through Secretary Revenue, Secretariat, Dehradun, Uttaranchal.
2. District Magistrate, District-Udham Singh Nagar at Rudrapur.
3. Shri Sekh Alamgir, presently posted as Sub Divisional Magistrate, Khatima, District Udham Singh Nagar.

.....Respondents.

27.09.2005

Hon'ble Rajesh Tandon, J.

Heard Ms. Pooja Banga, learned counsel for the petitioner and Sri Harendra Belwal, learned counsel for the respondents.

By the present writ petition, the petitioner has prayed for a writ of certiorari quashing the suspension order dated 30th July, 2005 passed by the respondent no.2.

Briefly stated, the petitioner is presently posted as Revenue Accountant in Tehsil Sitarganj, district Udham Singh Nagar. Initially the petitioner was appointed as Mal Mohrir in Revenue Services in the erstwhile State of U.P. on 20.06.1985. Subsequently he was promoted as Wasil Baqui Nawis (WBN) and thereafter as Arms Clerk in the year 1992 and 1997 respectively.

In the year, 2003, he was transferred to the post of Revenue Accountant in Tehsil Sitarganj and since then he has been working as such on the said post.

Learned counsel for the petitioner has submitted that he has no role to play and as such unnecessary harassment has been given to the petitioner.

At the time of filing of the writ petition, following interim order was granted in his favour:-

"*Heard Sri Sudhanshu Dhulia, learned Senior Counsel for the petitioner and learnded Standing Counsel who accepts notices on behalf of respondent nos. 1 & 2.*

Learned Standing Counsel prays for and granted three weeks' time to file counter affidavit, thereafter two weeks' time is allowed to learned counsel for the petitioner to file rejoinder affidavit.

List on 27th September, 2005.

Civil Misc. Stay Application no. 5312/05:-

Heard.

Till the next date of listing, the impugned suspension order dated 30.07.2005 passed by the respondent no. 2 shall be kept in abeyance. However, it is made clear that the inquiry, if any initiated, may continue and the petitioner shall cooperate with the inquiry proceedings.

Application is disposed of accordingly."

The petitioner is continuing on the said post on the basis of the interim order dated 30th August, 2005. A counter affidavit has been filed by the State, where it has been stated that a preliminary inquiry was held on the basis of the same, the suspension order was passed. The petitioner is already working and the inquiry is pending against him.

A writ of mandamus is issued directing the respondents to complete the inquiry pending against the petitioner within a period of four months. The interim order dated 30th August, 2005 shall continue by 31st January, 2006.

Writ petition is disposed of accordingly. No order as to costs.

(Rajesh Tandon, J.)

27.09.2005
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